

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

FILED
U.S. DISTRICT COURT
SAVANNAH DIV.

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SO. DIST. OF GA.

HARRY LEWIS GREEN,

Petitioner,

v.

WHITFIELD COUNTY JAIL,

Respondent.

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CV415-281

ORDER

Harry Lewis Green, held on an “alleged fugitive warrant” at Whitfield County Jail in Whitfield County, Georgia,¹ petitions for a writ of habeas corpus under 28 U.S.C. § 2241. Doc. 1. He only challenges the legality of his pretrial confinement; he does not challenge the validity of any (state or federal) conviction or sentence. *Id.* at 4; 9-10. “[F]or core habeas petitions challenging present physical confinement, jurisdiction lies in only one district: the district of confinement.” *Rumsfeld v.*

¹ The location of Green’s *present* confinement is not entirely clear. His petition refers exclusively to his confinement at Whitfield County Jail, but the docket lists his address as “P.O. Box 3492, Chattanooga, Tennessee 37404.” Since this Court lacks jurisdiction to hear the merits of his petition, resolving this discrepancy must fall to the Northern District of Georgia.

Padilla, 542 U.S. 426, 443 (2004). Since he is not confined in this district, this Court lacks jurisdiction over Green's petition.

The proper venue for this action is in the United States District Court for the Northern District of Georgia, Rome Division. *See* 28 U.S.C. § 1391(b) (venue); 28 U.S.C. § 1406 (district courts may dismiss or transfer cases suffering venue defects); 28 U.S.C. § 90(a)(3). Accordingly, the Court **DIRECTS** the Clerk of Court to **TRANSFER** this action to the Rome Division of the Northern District of Georgia for all further proceedings.

SO ORDERED, this 9th day of November, 2016.


UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA